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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Andorra, Austria, Belgium, Canada, France, Greece, Ireland, Israel, Italy, Japan, New Zealand, Norway, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland: draft resolution

Situation of human rights in Cambodia

The General Assembly,

Guided by the purposes and principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights[1] and the International Covenants on Human Rights,[2]

Taking note of the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict,[3] signed in Paris on 23 October 1991, including part III thereof, relating to human rights,

Taking note of Commission on Human Rights resolution 1996/54 of 19 April 1996, and recalling General Assembly resolution 50/178 of 22 December 1995 and previous relevant resolutions, including Commission on Human Rights resolution 1993/6 of 19 February 1993, in which the Commission

[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] A/46/608-S/23177, annex.

recommended the appointment of a special representative in Cambodia, and the subsequent appointment by the Secretary-General of a special representative,

Bearing in mind the role and responsibilities of the United Nations and the international community in the process of the rehabilitation and reconstruction of Cambodia,

Recognizing that the tragic recent history of Cambodia requires special measures to assure the promotion and protection of the human rights of all people in Cambodia and the non-return to the policies and practices of the past, as stipulated in the Agreement signed in Paris on 23 October 1991,

Commending the continued operation in Cambodia of the office of the Centre for Human Rights of the Secretariat,

Welcoming the understanding reached between the Special Envoy of the Secretary-General and the Government of Cambodia in May 1995 regarding increased consultations between the Centre for Human Rights and the Government of Cambodia,

1. Requests the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the Centre for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources, from within existing resources, for the enhanced functioning of the operational presence in Cambodia of the Centre for Human Rights;

2. Welcomes the report of the Secretary-General on the role of the Centre for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights;[4]

3. Also welcomes the continuing role of the United Nations High Commissioner for Human Rights in the promotion and protection of human rights in Cambodia and the signing of a memorandum of understanding with the Government of Cambodia to allow the office in Cambodia of the Centre for Human Rights to continue to operate for the next two years and to maintain its technical cooperation programmes;

4. Commends the work of the former Special Representative of the Secretary-General, Mr. Michael Kirby, in promoting and protecting human rights in Cambodia, and welcomes the appointment by the Secretary-General of Mr. Thomas Hammarberg as his new Special Representative;

5. Takes note with appreciation of the report of the Special Representative on the situation of human rights in Cambodia,[5] and endorses his recommendations and conclusions, including those aimed at combating child prostitution and trafficking and ensuring the independence of the judiciary and

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[4] A/51/453.

[5] E/CN.4/1996/93.

the establishment of the rule of law, freedom of expression and the promotion of an effective, functioning multi-party democracy;

6. Requests the Special Representative, in collaboration with the office in Cambodia of the Centre for Human Rights, to continue his evaluation of the extent to which the recommendations made by the Special Representative in his report, and those contained in reports of his predecessor, are followed up and implemented;

7. Requests the Secretary-General to provide all necessary resources, from within the regular budget of the United Nations, to enable the Special Representative to continue to fulfil his tasks expeditiously;

8. Welcomes the efforts made by the Government of Cambodia to promote and protect human rights, in particular in the area of human rights education and the essential area of creating a functioning and impartial system of justice, urges that efforts continue in this area, and encourages the Government to improve the conditions of prisons;

9. Notes that communal elections are due to be held in 1997 and National Assembly elections in 1998, and strongly urges the Government of Cambodia to promote and uphold the effective functioning of multi-party democracy, including the right to form political parties, stand for election, take part freely in a representative Government and to freedom of expression, in accordance with the principles set out in paragraphs 2 and 4 of annex 5 to the Agreement signed in Paris on 23 October 1991;

10. Welcomes the proposed measures outlined by the Government of Cambodia in its comments[6] on the report of the Special Representative to ensure that the forthcoming communal and national elections are free and fair, that members of the armed forces remain neutral during the election campaign, that the individual vote is confidential and that local and international observers are welcomed;

11. Calls upon the Government of Cambodia to investigate cases of violence and intimidation directed at minor political parties and their supporters, as well as against media personnel and offices, and to bring to justice those responsible;

12. Also calls upon the Government of Cambodia to ensure fair access to government television and radio regardless of political affiliation and to ensure that the people of Cambodia have access to a variety of information, especially in the lead-up to the elections;

13. Commends the Government of Cambodia for its constructive approach to the inclusion of Cambodian human rights non-governmental organizations in the rehabilitation and reconstruction of Cambodia, and recommends that their skills be drawn upon to assist in ensuring that forthcoming elections are free and fair;

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[6] A/51/453.

14. Expresses serious concern at the comments made by the Special Representative concerning the continuing problem of impunity, whereby the courts in several areas are reluctant or unable to charge members of the military, police and other security forces for serious criminal offences, and encourages the Government of Cambodia, as a matter of urgent priority, to address this problem, which in effect places the military and police above the principle of equality before the law;

15. Expresses grave concern about the atrocities that continue to be committed by the Khmer Rouge, including the taking and killing of hostages and other deplorable incidents detailed in the reports of the Special Representatives;

16. Also expresses grave concern about the serious violations of human rights as detailed in the reports of the Special Representative and his predecessor, and calls upon the Government of Cambodia to prosecute in accordance with the due process of the law and international standards relating to human rights all those who have perpetrated human rights violations;

17. Calls upon the Government of Cambodia to ensure the full observance of human rights for all persons within its jurisdiction in accordance with the International Covenants on Human Rights and other human rights instruments to which Cambodia is a party;

18. Urges the Government of Cambodia to give priority attention to combating child prostitution and trafficking and, in this connection, to work with the office in Cambodia of the Centre for Human Rights and non-governmental organizations to develop an action plan;

19. Recognizes the seriousness with which the Cambodian Government has approached the preparation of its initial reports to the relevant treaty bodies, and encourages the Government to continue its efforts to meet its reporting obligations under international human rights instruments, drawing on the assistance of the office in Cambodia of the Centre for Human Rights;

20. Encourages the Government of Cambodia to request the Centre for Human Rights to provide advice and technical assistance with respect to the creation of an independent national institution for the promotion and protection of human rights;

21. Commends the ongoing efforts of the office in Cambodia of the Centre for Human Rights in supporting and assisting the Government of Cambodia, as well as non-governmental organizations and others involved in the promotion and protection of human rights in cooperation with the Government of Cambodia;

22. Welcomes and encourages the efforts of individuals, non-governmental organizations, Governments and international organizations involved in human rights activities in Cambodia;

23. Notes with appreciation the use by the Secretary-General of the United Nations Trust Fund for a Human Rights Education Programme in Cambodia to finance the programme of activities of the office in Cambodia of the Centre for Human

Rights as defined in resolutions of the General Assembly and the Commission on Human Rights, and invites Governments, intergovernmental and non-governmental organizations, foundations and individuals to consider contributing funds to the Trust Fund;

24. Requests the Centre for Human Rights, in cooperation with the relevant specialized agencies and development programmes, to develop and implement programmes, with the consent and cooperation of the Government of Cambodia, in the priority areas identified by the Special Representative, paying particular attention to vulnerable groups, including women, children, disabled persons and minorities;

25. Expresses grave concern at the devastating consequences and destabilizing effects of the indiscriminate use of anti-personnel landmines on Cambodian society, encourages the Government of Cambodia to continue its support and efforts for the removal of these mines, and urges the Government of Cambodia to ban all anti-personnel landmines;

26. Requests the Secretary-General to report to the General Assembly at its fifty-second session on the role of the Centre for Human Rights in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;

27. Decides to continue its consideration of the situation of human rights in Cambodia at its fifty-second session.